

CHILD WELFARE AMENDMENT

Parliament 29, Session 5 March 25, 1975

[Hansard Transcript 1975-Mar-25 | Legislative Assembly of Ontario \(ola.org\)](#)

Hon. Mr. Brunelle moves second reading of Bill 4, An Act to amend the Child Welfare Act.

Mr. Speaker: The hon. member for --

Hon. R. Brunelle (Minister of Community and Social Services): Mr. Speaker, if I may, I have a few brief remarks on this bill.

Mr. Speaker: The hon. minister.

Hon. Mr. Brunelle: As members are aware, there have been relatively few changes to the Child Welfare Act in the past four years. During this time a number of developments have occurred that have had a substantial impact on child welfare services in the province and necessitate action to ensure the smooth functioning of programmes and services delivered to children through the existing Child Welfare Act.

One of these developments has been the increase in the cost of child welfare services. Yet while these costs have been rising, the cost-sharing arrangements between the province and the municipalities, as they are set out by the current Act, have remained rigid. As a result, the municipalities are paying an increasingly larger share of the total burden. Thus we find it necessary to revise the Act to permit the Province of Ontario to increase its contribution. We also find it necessary to build more flexible financial management procedures into the regulations under the Child Welfare Act to allow the province to respond more quickly to changing patterns of service. In Order to achieve this objective we are seeking to revise the Child Welfare Act in two ways:

1. By removing details of financial management from the Act to the regulations. Such details would include cost-sharing percentages.

2. By simultaneously providing for an increase in cost-sharing by the province in a set of revised regulations. These new regulations will provide both a continuance of 100 per cent provincial sharing for services to Indian children with reserve status and services to unorganized territories, and the move to 80 per cent sharing for all other services.

In introducing this change we anticipate this will greatly benefit the vast majority of municipalities. We also recognize that a few municipalities may be adversely affected with the new arrangement and we are, therefore, introducing provisions in the regulations to reduce the impact on such municipalities through an offsetting grant system. While introducing the Child Welfare Amendment Act providing for this improvement and the cost-sharing arrangement, I would like to mention a number of changes which we have found to be necessary through our experiences in operating under the current Act.

There are two proposed features of significant interest about which I would like to make special comment. The first of these features relates to the introduction of provision for non-ward agreements. This provision will allow children's aid societies and the ministry to deal with children who for one reason or another require service outside their own homes, without requiring that a form of wardship be taken by the society. Our object here is to encourage and foster situations in which children and families can be served without the removal of parental rights through the wardship process. It is our conviction that there should be no need to remove parental rights, if the parents of a child requiring service outside his own home are willing to co-operate and work with the Children's Aid Society toward assisting that child.

The second significant feature of the Child Welfare Amendment Act, 1975, will provide permission to children's aid societies to enter a home in which one or a number of children had been abandoned and to place a representative in that home to live with and care for the children until the parents return to the home. This will also apply if a parent is present in the home but unable to care for the children and is incapacitated to the extent that he is unable to give his or her consent. We believe this provision will in many cases prevent the premature removal of children from their homes and particularly prevent the removal of children at times when they are frightened and confused.

In addition to the financial changes I have just mentioned, we are introducing procedural changes relating to the operation of a Children's Aid Society and to relationships between societies and the courts. We are strengthening and modernizing some of the definitions currently in use in the Act. At the request of family court judges, we are clarifying the jurisdiction and powers of judges of the family court and county courts. We are deleting the requirements for trial de novo on an appeal hearing. We are also moving to clarify the wording of several sections of the Act which we have found through experience will require such clarification. We are removing from the Act a number of administrative procedures which more properly belong in the regulations and we are providing for the introduction of such procedures in the regulations in many cases on a more simplified basis.

In addition to this, we are clarifying the rights of parents and children relative to a number of sections of the Act and, of course, we are repealing the sections of the Act which have become obsolete through past experiences with the Act or because of changes in the area of child welfare. I should note, at this time, that although we are introducing more relevant language and are allowing some recommendations of the Ontario Law Reform Commission, we do recognize that there are still many other significant recommendations of the commission. These are under continual discussion and will require further changes in the Child Welfare Act at an appropriate time.

In preparing the Child Welfare Amendment Act, 1975, we have consulted with several groups concerning our proposed changes and, in particular, the following: family and county court judges; the ministries of the Attorney General and Treasury, Economics and Intergovernmental Affairs; Ontario Association of Children's Aid Societies as well as individual societies; the Provincial-Municipal Liaison Committee and the official guardian's branch of the Attorney General. I should add, Mr. Speaker, that members have also made recommendations to us from time to time.

Over the past few months, we have reviewed the current Act clause by clause to determine all areas which require some immediate attention. I feel the changes we are introducing are absolutely necessary at this time. I am satisfied that this amendment will serve to improve the

existing Child Welfare Act, providing a fairer balance of management between children's aid societies and the provincial government and a more effective code for everyone involved in this field of child welfare.

Mr. Speaker: The hon. member for Nipissing.

Mr. R. S. Smith (Nipissing): Mr. Speaker, I am glad that the minister made an opening statement in regard to the Act because the statement he made on introduction and first reading indicated that there was nothing in the Act, other than changes for financial responsibility between the municipalities and the province and some other minor insignificant things. Really, the Act has about 15 principles to it and as one goes through the Act one finds a new principle in almost every page.

On this side of the House it was indicated to us last Wednesday that this Act would not be called for some time and personally I did not find out that it would be called until yesterday afternoon. We've had very little time or indication from the House leader as to when this important Act would be called. It has been difficult for us to research the Act properly on the basis of the opening statement of the minister and on the basis of the fact that we were given such short notice, particularly when we were told last Wednesday that this Act would not be called until after April 7.

Hon. Mr. Brunelle: Who gave them that understanding, Mr. Speaker?

Mr. R. S. Smith: The House leader. It may be fine for the minister to shake his head and say "That's the way the game goes" because that is the way the game goes around here. There is no responsibility on the House leader insofar as notification to the opposition is concerned. In fact, one thing is indicated and another thing is done and that's rather misleading to say the least. Anyway, since last night I've tried to put a few comments together in regard to the Act. Certainly the minister's opening statement today makes it a little more clear what he is trying to do although I do not believe the Act will reach the needs or requirements of change which are still needed in the original bill.

I'd like to comment and the only way I can do this is practically on a section-by-section basis because every section has a different type of principle to it. If anyone can find the one principle

in this bill and say “That is the principle of this bill” I would like him to point it out to me because it is impossible.

Mr. Martel: Defy him to find it.

Mr. R. S. Smith: Yes, I defy him to find it. Therefore, on second reading the only way I can reasonably deal with the bill is the way the bill is presented to us and the way the minister has indicated that the changes are being made in the bill.

In the first section of the bill there is some question as to the amendment as proposed on what “director” means. According to my reading of the amendment, a director could mean that we would have a number of directors under this Act and there would be no one who really has overall responsibility within the ministry, other than the minister himself, for the enactment of the legislation and for the administration of the Act itself. I find in section 1, part (c), the new definition of a director could cause a great deal of consternation if eight directors are named to deal with eight different parts of the Act. Knowing this ministry, that might well happen and there would be nobody with any overall responsibility.

Mr. Martel: No one’s accountable for anything.

Mrs. M. Campbell (St. George): No one is accountable.

Mr. R. S. Smith: That’s right. What we have now is an Act for which there is no responsibility, other than, of course, by the minister who is presenting it. Obviously he’s not going to be the one to administer it unless he’s going to have two jobs -- director of this branch as well as minister. Then, of course, we would have somebody with the ultimate responsibility.

I would question that as an amendment which should be looked at rather closely as, in effect, being one of the parts of the Act which are rather misleading.

The next parts I would like to mention are those sections of the Act dealing with financing. Of course, this is the only part of the Act which the minister put forward in his previous remarks on the introduction of the bill as the one principle in the Act. I think if one looks at his first remarks, he indicated that was the main principle, but of course it really isn’t the main principle; it’s one of a number of principles, but I don’t think it is the main principle.

I question the statement the minister made just a few minutes ago when he said that the 60-40 split between the province and the municipality as to the cost was as rigid as that. He knows as well as I do that there is nothing as rigid as the ability or the will of the minister to want to bring in an Act to amend the Act already in place. Certainly it is a little more rigid than regulations but he has had the opportunity every year, on every day the Legislature is sitting, to bring in an Act to change that 60-40 split. I believe that it should be left in the Act and the provincial responsibility insofar as costs are concerned should be spelled out in the Act.

I also believe that the change to alleviate some of the municipalities' problems by decreasing their portion of the cost from 40 per cent to 20 per cent is a good thing and is perhaps one of the few good things that we can find in the Act. But, on the other hand, to take that out of the Act and put it into regulations, and say that it becomes less rigid, I think is rather misleading because it's only as rigid as the minister and the government that he represents want to make it.

As I said before, every day that the session is sitting he has an opportunity to bring in an amendment to change any of the sections of the Act. To put it in regulations is to put it rather behind closed doors so that he can go and deal with the municipalities on a rather different basis than here in the Legislature, where he should be putting his policy forward.

Mr. A. J. Roy (Ottawa East): He wants to avoid the scrutiny of the Legislature.

Mr. R. S. Smith: The other point I would like to make relates to the division of this financial responsibility. I don't see any move in this Act to bring to the regional governments that have been set up across this province, any responsibility insofar as the costs are concerned. It is now left mainly to the smaller municipalities and the provincial government on the new 80-20 basis that the minister announced just a few minutes ago. The regional governments, I believe, have a responsibility as well. And even if we did break it down to an 80, 10 and 10, at least we would have established the precedent that regional governments have a responsibility in the area of child welfare care just as the smaller municipalities are left with a part of the cost and part of the responsibility as well.

As I understand it, in Metropolitan Toronto the total cost of this type of service is taken up by the Metro Toronto government, and the individual municipalities within that area are not charged

back the 40 per cent up until now, and the 20 per cent from now on, but rather Metropolitan Toronto has that responsibility. I can't understand why some movement is not being made to have regional governments given at least part of the responsibility, if not the whole responsibility, insofar as these costs are concerned.

There are millions of dollars being poured in to regional governments to keep them alive and to keep them floating; I can't fathom why the small costs that are involved here, insofar as a region is concerned, could not be taken up by them.

There are a number of other things I would like to mention. The minister has indicated in some of the amendments that the guardianship of all children will come within the reference of the societies. He touched today on non-ward agreements where the rights of the parent or guardian will be protected. He spoke of keeping the child in the family and out of the care and protection of the society as much as possible in the best interests of the child. We certainly agree with that. There is also the other case of those children who under the Juvenile Delinquents Act are made wards of the society. Here we find there is an effort on the part of the government -- and one can see it across the province -- to continually move these children from the training schools of our province and keep them in community settings where we hope they will be better off in the long run.

The problem here is that at least in some of the training schools, as bad as some of them may have been and as bad as some of them may still be, there was the opportunity for psychiatric assistance and for other professional help that is not being made available to the same children when they are kept in the community or in the home. If the government is going to move to keep children from the training schools in this province -- and we heartily agree that that should be a goal of this ministry and of the government and of society in general -- then it also has the responsibility of providing to the child the expertise and the professional help that he is being denied because he is not being retained in a training school.

As I said before, it is not our position nor is it the position of the government, I'm sure, to attempt in any way to keep a child, who can be bettered and can receive treatments outside of the training-school setting, in the training school. I certainly agree with the ultimate intention --

obvious intention as far as I'm concerned at least -- that training schools would diminish, if not disappear. On the other hand, I would remind the minister of his responsibility to provide psychiatric and other professional assistance to those children who would otherwise have been sent to the training school, and not to leave these emotionally disturbed children in the home or in the community without any assistance.

I don't know about the area that the minister comes from, but I know that in my area and in most areas in this province, perhaps outside of Metro Toronto, and even in Metro Toronto, there is a great lack of service for those children who are emotionally disturbed and whom we are trying to keep in the community. There is, in fact, in many areas of the province no service to that child who perhaps has a double handicap. He's just shifted around from one place to another. He's assessed or reassessed or not assessed, but there's never really any service provided insofar as treatment is concerned.

I believe that that is perhaps one area that this bill misses completely and that is the area where the first responsibility of the ministry lies in regard to many of the matters that are touched on in the bill but really not dealt with. I would place that as perhaps the most important section of the bill which really does not deal with the problem as it exists.

The minister made some comments today on the right to give care to children in the home. We on this side certainly agree with the provisions in the bill that provide for the homemaker to be able to move into the home and look after the children in that setting, rather than wrenching them from the home, if it is at all possible to make it go with the homemaker. We agree with those sections of the Act which provide for that type of assistance.

Under the second part of the bill, the protection and care of children, there are a number of the things that I have already discussed. But there are other matters that should be looked into in regard to the removal of children and those matters that deal directly with the courts and the question that the minister brought up in regard to the redefinition of the responsibilities of the family court vis-à-vis the other courts in the province.

I will leave the remarks of our party in regard to those matters to the member for St. George. She has had much more experience than I in family courts, and perhaps much more experience and

much more knowledge of the matter than any other of us in the House, as she has dealt with these matters on a day to day basis for a period of time.

These are the only remarks that I have to make. Our party generally will have to support the bill, not because of what it does, really, but because it does move some things ahead in the area of child care. But it still leaves much to be desired. It is not the panacea for the next few years, as the minister perhaps tried to tell us in his opening remarks this afternoon.

Mr. Speaker: The hon. member for Sudbury East.

Mr. Martel: Mr. Speaker, I have been listening to the rumour for the past couple of years at least that we were going to have some fundamental change in the care of children in this predicament -- and really the bill has nothing in it. There are two clauses, and the minister was quick to draw on both of them, that are a change, really, an advance. One is dealing with putting a homemaker in the home, which I understand was being done anyway. But this makes it legal. The second point, of course, is the volunteer agreement.

It would appear that the bill makes the ministry concerned about prevention. Really, the bill hasn't changed one jot. It's 30 years out of whack. It is still a bill that is primarily concerned with institutionalizing people -- in this case young people. But it doesn't move in the direction of prevention that this party has been advocating -- and my friends, I think, from the Liberal Party have been advocating -- at least for the last couple of years.

Therefore, I want to spend some time, Mr. Minister, in dealing with what the bill doesn't do. As my friend the member for Nipissing says, there is no real principle. It is just in sections -- a little here, a little there.

I am also a little offended at the time factor. It is rather a lengthy bill and I spent, fortunately, seven or eight hours over the weekend -- when I should have been enjoying my family -- in trying to compare the bill with the old office consolidation, which is no easy feat. I agree again with my friend, the member for Nipissing, when he says that we should have had more time and that the director is really left up in the air.

I work with a group of people involved in a variety of fields in the field of community and social services, and that is one of the things they drew to my attention. They were very concerned. They

said: "Really, there are no lines of accountability." That was their wording: "No lines of accountability."

The director is appointed by whom? I guess that's the minister -- but who is he accountable to? No one really knows, because we are dealing with a semi-autonomous group. There is no improvement there.

As I said, there are, so far as I'm concerned, only two major things and they're not all that major. Let's deal with what is wrong with the bill, whether it is the old bill or the amendments. The minister has 20 pages of amendments, which I would have hoped he might have moved, in the field of prevention. I'm going to cite some examples which could easily have been introduced. We should have started to deal with natural parents, Mr. Speaker. As you know, if we put a child in a foster home we will pay to the foster parent \$125, \$140 or \$150 per month for each foster child in that home. Yet if we take a mother or a family where the father might be handicapped for any reason and there's a low income -- and money is one of the prime causes of disruption -- we will watch the family be destroyed before we will move in with financial assistance and support the natural family. Then we'll turn around and if there are three or four children we'll spend \$500, \$600 or \$700 a month to have them placed in foster homes. Or, if we don't place them in foster homes, we place them with a Children's Aid Society in some building somewhere and the costs are astronomical.

Let me show you what I mean. In 1972, Metro Toronto Children's Aid Society spent, for care, for prevention, for working with families, \$2.5 million on 9,125 kids or young people. It spent another \$9 million on 1,400 children who are institutionalized. In other words, to support young people in their homes so that the natural families don't break up, we spend less than a quarter of that budget; that is on about 15 per cent of the children or the young people who have problems. Conversely, we spend three- quarters of the money putting young people in institutions. In other words, we spend about \$9 million once they're incarcerated in some way, shape or form.

I've heard the rumble -- I've talked about it to the minister for the past 11 or 12 months at least -- that this bill was changing. Surely to God, in this day and age we could have moved, in the bill, to support the natural family, to prevent the breakup of the natural family. But we don't do it and

we'll have the same thing persisting, Mr. Speaker. I guarantee you we'll be spending more money for care than for prevention and there's nothing in the bill that forces the change. As long as the bill doesn't do it -- maybe the government should say 50 per cent of the money in the Children's Aid Society budget must be spent on care before the crisis occurs; and, in fact, the minister should send the social worker right into the home, if need be to spend some time there. I'm sure we could do better hiring more social workers to get into homes, than we could providing for the care of kids once they're in an institution.

But we don't do that. We operate in the dark ages and we continue to do so. We come in and we pat ourselves on the back for one or two little clauses such as we won't make them Crown wards through a voluntary agreement; or we will put a homemaker in the home; which is a good move because that way we're not taking the child out of his natural setting and putting him in an institution, we move someone in. We should be moving someone in even if the parents are there, if that be the case, for preventive purposes because there might be two or three children who need help. But no, we do it in reverse. We take the kids out and we find a foster home.

There are some good foster homes. I don't want to say that foster homes are all bad; there are some people who do excellent work. But the only study I've been able to get my hands on was done by an acquaintance of mine five or six years ago involving 299 children; of the 299 children, 73 had more than two moves by the time they were five years old. Anyone who knows anything about children is aware that the formative years for children are one to five, or some will say one to seven. But 36 per cent of those children, or 73 of them, in fact moved more than twice by the time they were five. Can you imagine the traumatic experience as we move those children from foster parent home to foster parent home? It is simply destructive.

Part of the problem, of course, is that we don't screen the foster parents and there is insufficient support for foster parents once they are in place. How often does the field worker visit the foster parent home? Once a month if they are lucky; once a year or once every six months? There is no real support for foster parents because the direction of the bill isn't towards prevention.

As a result, we even have the breakup in the foster home. We have the breakup in the natural home, then we have the breakup in the foster home and possibly two or three moves. By the time

many of the children are five or six years of age, we have destroyed them as people. The bill doesn't change that one jot, except that one little item, and that is that we will bring a foster parent into the natural home.

As I say, I am just quoting this one study -- it's the only one I know; I know the minister doesn't have any more. If he does such studies on the frequency of moves within Children's Aid Societies, perhaps he would produce them, since the province has demanded that information from the 51 or 52 societies in the province. I guarantee that information isn't available to us. Yet we go on; we change acts without information.

Those are two of the main points, Mr. Speaker. Section 6 of the old bill, which should deal with prevention, doesn't really. Look at what section 6 of the bill says and tell me where it mentions prevention, except perhaps in clause (h):

Every Children's Aid Society shall be operated for the purpose of

- (a) investigating allegations;
- (b) protecting children where necessary;
- (c) providing guidance;
- (d) providing care for children assigned or committed to its care;
- (e) supervising children assigned to its supervision under this Act or any other Act;
- (f) placing children for adoption;
- (g) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock; and
- (h) any other duties given to it by this or any other Act.

Where is prevention in the Act? It is not even there. Surely this government recognizes now that once we institutionalize people, costs are vastly higher, much greater than if we move toward prevention.

I had real hopes for this bill, Mr. Speaker. I spoke to the director of the children's aid societies for the province -- Dr. Dymond's brother, I believe. I spoke to him; I spoke to the Children's Aid Society people in Metropolitan Toronto; I spoke to them in my own locality. They were terribly

disappointed by the Act. As for all of this nonsense that we heard about some major changes coming, there is nothing there.

The volunteer agreements present a real dilemma. Has the minister ever considered what is going to happen if a lot of people decide they are going to voluntarily surrender the child like that? Where are we going to put him? We don't have placement for him now. We don't have enough foster parents today for those we have Crown wardship over.

Now, in an agreement, if the parent feels quite comfortable that he can surrender the child for two, three or four months by agreement, how many, when the frustration gets them down, finally say, "No." They throw their hands up in despair and say, "For a while." Look at mother-led families where the mother can't cope with it for a while. We've all heard them, when they deal with family benefits, say: "No, I surrender the children." The only deterrent, of course, is that it might be for two years, but I'm wondering what the minister is going to do if there are a number of people who take that course of volunteering. I don't think he'll be able to cope.

Then there's discrimination against a single person. The minister won't remove that from the Act when adopting a child, will he? It's still in there. Under special circumstances we might, but it's still there.

The minister might consider, along with what I've suggested, supporting the natural parents to prevent the family from breaking up. Some of those people who take children via the route of foster parents can't afford to simply adopt the child. Therefore, the minister might consider, once the child is legally adopted, supporting to some degree a family which wants the child but can't afford it, rather than institutionalizing them again. I'm sure these aren't new ideas. I didn't get them myself. Somebody gave them to me.

I want to deal as well, Mr. Speaker, if I might, with a number of other points. I am firmly convinced now that before a Children's Aid Society is permitted to remove a child from his natural home the onus should be on the society to show that adequate services designed to prevent the need for removal have been given to the natural family. And if the Children's Aid Society hasn't been able to give the support necessary to the natural family, then before they can

remove that child, I think they're going to have to move in to give that support. They just don't move in and take the child out without first attempting to keep a child in the home.

In other words, the onus is going to be on the Children's Aid Society to prove that it can do a better job than the parents, providing the parents have some assistance -- a social worker coming in and spending some time there; some monetary assistance, if necessary -- to overcome the shortcoming which is causing the distress within the family.

I'm saying that before the Children's Aid Society can take that child out of its natural surroundings it must prove that it has attempted to help the family and can't, and only then.

That's a departure but I suggest that's the only way we're going to move to prevention.

The societies will be forced then to get the field workers in there more frequently. They will have to be accountable for what they're doing. It won't be a matter of simply popping up on behalf of someone's complaint.

I realize that a part of the minister's rebuttal will be: "What happens if the child is in danger?" I realize that is a vital concern, but I think that comes under a completely different sort of situation. The ministry has a study that indicates that. I don't know how accurate it is. It's on the number of children abused in Ontario over the past five years. It doesn't show that many, on my reading of it anyway, to make me nervous. There's certainly not sufficient child abuse in the province to simply move in and take the kids out as we're doing at the present time. As I say, we have to be careful of the abuse to the child, but that can be improved. If we are going to have someone who is going to make a complaint, the person will substantiate that complaint. But the Children's Aid Society can move in pretty regularly, and does now, and removes children for a short period of time, which can lead to wardship. I'm saying that we don't allow that to happen until there are extenuating circumstances and, more important, they have attempted to help the natural parents before they are allowed to remove a child from the home.

I'm repeating it, but I think it's important enough: Only if we find the society has tried to support the natural parents to help them overcome the difficulty within the natural setting then, but not until then, should that be allowed to happen.

I think they also have to prove that what they are offering is a better alternative than what the Children's Aid Society is offering. I have read the report -- I quoted from it a few moments ago -- on the number of children who by the time they are five have moved.

In the same report there is a section which indicates that of the 299 children we were talking about some had to be moved because of a weakness in the foster home. In fact, those who were moved because of weakness in the foster home represented something like 90 per cent. I wonder if we don't take the child out of the natural home without assisting the child and put him into a foster home where the breakup occurs once, twice, three or four times when the child has to be removed. What I'm saying is the Children's Aid Society is going to have to prove it has a home setting, if it is going to remove a child; that where they are putting the child is better than where he is.

We don't know that because I don't think we have the statistics, as I said earlier. The only study I have is from a worker who now works for Browndale but who worked for the Children's Aid Society in Toronto. It indicates that 90 per cent -- primarily young children from two to five or two to seven -- are moved two, three or four times because there are weaknesses in the foster parents' home.

I'm saying that when it is taking a child out of a home the Children's Aid Society should have to prove that it is better than where he was. The minister can't do that, I don't think, because I don't think he has the statistics on the frequency of moves which occur in the province. Until he has that I don't think he or the Children's Aid Society has the right to say "That child is in bad shape and we are moving him" unless they can prove that where they are moving him or her to is better. Unless we do that, I think the children's rights are being violated. I think they are being violated if the minister can't prove to me or to the parents involved that where the children are going is better.

Again I say to the minister that what is going to happen if he puts in the bill those last two points I spoke about is that the Children's Aid Society will move very definitely to prevention. It will be more difficult to take the child out and yet the responsibility is on them to guarantee the protection of the child. The Act does none of that yet. I'm sorry, it's just void. The bill is useless

in many respects. The hopes that many people had for it are dashed, I'm afraid, because it's just not there.

Friends of mine, Mr. Speaker, to the minister, would argue that the children should not be placed for adoption without the consent of the natural parents under any circumstances. I'm not sure, so I'll save that one.

I'm going to ask the minister, due to the shortness of time, that this bill go to committee, not of the whole but standing committee, because my information is that there are people who want to make representation on the bill. I am going to ask the minister when I sit down if he will send it to the social development committee outside the Legislature so that people can come forward and make presentations.

Mr. F. Taylor (Carleton East): Don't hold your breath.

Mr. Martel: We might be able to talk this minister into it. I might have less chance of success with others. I would think this minister will let it go to committee.

Mr. E. J. Bounsall (Windsor West): Did the minister make that commitment?

Mr. Martel: Well, I'm trying to flatter him right now. Don't push it to hard.

Mr. Bounsall: It is a little too early in the game.

Mr. Martel: That's right. We are just trying to get around to that.

I think there should be a grievance procedure too. I think any individual or family involved with the Children's Aid Society should have the right to appeal to some type of committee, if they feel their rights have been violated, if they believe a representative of the society is failing to respect their autonomy, their individuality, their culture or their race, or if someone believes he is unable to establish a useful relationship with the assigned representative. I've talked to a number of people -- and maybe the good judge can tell us -- and there are a lot of people, as I understand it, who simply don't hit it off with the case worker assigned to them. The great difficulty in getting a new case worker assigned to work with a particular family is that it is frequently impossible to obtain.

We are talking about children and the needs of the family. It seems to me we shouldn't have the difficulty, but invariably it is there. There is no recourse on any of these things I have listed in the

Act -- none at all. It seems to me that that should be in the Act because that's the only way one protects an individual's rights, through someone who has some channel -- I'm afraid I'm not a legal beagle -- where one can say, "Whoa, I think my rights and the rights of my children are being violated here." Don't tell me we can go to a judge or something like that. Once he has heard the case, it doesn't have to go that route. Again, that is left out of the Act.

I might even suggest that this independent grievance committee might include two or three members, someone from the Ministry of Community and Social Services -- maybe the director, as it would give him a responsibility -- someone from the Canadian Civil Liberties Association and someone from consumer service or someone who might represent some advocacy group or someone like that. In other words, when there is a failure insofar as the parents are concerned and they can't communicate with the worker assigned to work with them and the child in question or the children in question, they can appeal to some body. I just think the cards are loaded against the parent in the situation.

I have a handbook that was written by a group in 1973. It's called "In a child's best interest" and is by Operation Family Rights. I don't work that much with them, but they indicate to me -- and I have checked with a number of workers -- that really the natural family is behind the eight ball almost from square one. It might be different in the various courts, depending on the judge who might have an influence.

The social worker from one place has put comments about the child, and the parent doesn't know they are down. Someone has complained about the child, and that is in the record. Everybody else sees the records but the natural parents. There they are, up against this body of people trying -- I guess some of them desperately -- to keep the family together with the reports of possibly a variety of people -- teachers, field workers, a whole group of people -- against them.

I just don't know how the parents stacks up against that group. He knows or she knows that they are up against lawyers and professional workers. What's the feeling that must go through a parent in one of these hearings? It must be traumatic for the parent, let alone the child, because they're all lined up against them; everybody has seen the reports except the parent. Now possibly the judge might be lenient. They might see the full reports, but my information is that they don't

see all of the reports against the child; some of them may be good, some of them bad. But the social workers discuss it amongst themselves, that's for certain.

I think there has got to be more protection there, too, for the natural family. In other words what I am saying, Mr. Speaker, is that the thrust of this Act should be to keep the natural family together wherever possible. If it costs more money to subsidize the natural family, that's fine. If it means moving field workers right into the home, that's fine. I simply say that there is not enough effort being made in this Act to do that.

In fact, even the title of the Act bothers me, Mr. Speaker. I might ask the minister to change that: The Child Welfare Act -- welfare. It's not a connotation of welfare. I don't care what you call it; somehow you might drop the word welfare. That's not what we're talking about, is it? If you're talking about well-being of the child, say that. But the Child Welfare Act -- even the title is repulsive as far as I'm concerned.

Mr. B. Gilbertson (Algoma): What is the member's suggestion?

Mr. Martel: I'd call it the Child's Rights Act -- call it whatever you want, but not welfare. We're not talking about welfare in the term that most people understand.

Mr. Gilbertson: Come up with some constructive ideas.

Mr. Mattel: Oh, I will, because that's why I want it --

Mr. Gilbertson: Why doesn't the member come up with some good constructive ideas?

Mr. Martel: If the member would listen I am trying to put forth a bunch of constructive ideas to protect the natural family and to prevent the natural family from breaking up. Everything I've said has been pointed towards the prevention of the destruction of the natural family.

Mr. Gilbertson: Come up with some good ideas on how to keep families from breaking up.

Mr. Martel: That is what I am talking about -- I have suggested that in the estimates on many an occasion. The biggest one, I am told, is monetary.

Mr. Speaker, I'm not going to go on. I'm disappointed, as I say, in the Act. I'm also disappointed in the time we've had to review it; I simply don't feel that I have done an adequate job in preparing to speak to this bill; I haven't had time. I haven't been able to consult with anyone to --

Mr. J. E. Stokes (Thunder Bay): The member is doing an extremely competent job for someone who hasn't had time.

An hon. member: Very, very good.

Mr. Mattel: Thank you, I appreciate the kind remarks. But I would urge -- because of this and because there are a variety of people in the community, Mr. Speaker, who want to have an input -- if we're sincere about changing the direction of children's aid societies and making it preventive and making it our aim to, in fact, support and maintain the natural family we can't go ahead with this Act until we put in some gut changes. I want to move those amendments -- and I'm sure the Liberal Party does too -- when we move to the committee. Therefore, Mr. Speaker, through you to the minister, I would ask that the minister send it to committee.

Give us time to do a major job. The minister has had a year to bring in an Act -- and it has been rumoured for that long -- that has nothing in it, really, of any real substance. Surely to God you can send it to committee where we in fact can bring in people who are interested and those of us in this Legislature who want to see the direction changed. Send it to committee where we can make those changes. I would hope that the minister himself would get directly involved in changing the Act to where it has something meaningful rather than the drivel for 20 pages that I read on the weekend. Thank you, Mr. Speaker.

Mr. Speaker: The hon. member for St. George.

Mrs. Campbell: Mr. Speaker, I want to emphasize with my portion of this debate my complete agreement with what has been said by the member for Sudbury East on the question of referring the matter to committee. I think that is one of the most important things, because some of the things which the member for Sudbury East has said, I think, perhaps come from not seeing the procedures as the court gets involved. But I think if the members of this committee could hear from parents who have been through this deal, which has not really been substantially changed, then maybe there would be out of that a meaningful Act for the protection of children and for the protection of the family.

I won't go into those areas covered by my colleague so ably, but the first emphasis I have to put is the fact that I can't think of how long it was -- certainly when I was with the city in the early

Sixties; certainly at Metro in the middle and late Sixties -- the biggest battle that we ever had as elected representatives was to try to get funding and a thrust for funding for prevention. It is the hardest thing in the world, because if you want to have statistics, it really is like trying to prove how many people didn't get killed because we had crosswalks. It's difficult to bring statistical evidence forward. Nevertheless, the destruction which takes place with children is in my view something that we couldn't live with if we really got down to cases to see it happening.

One of the problems, of course, is the Children's Aid. Without question they try to do a good job for the most part, but they have two dreadful limitations. One of them is that, basically, they have never had financing for this purpose. Secondly, we have to understand that certainly in this area -- and I can't speak for the rest of the province -- very often you are bringing, through the social worker, a middleclass approach to a situation

It is true that quite often it is the judge, oddly enough, who tries to look through what appears on the surface to understand that a child is a much-loved child, notwithstanding some of the superficial material that is brought to bear, I must say that this is particularly true in the case of native children in a large urban centre, because you don't have the kinds of people who are trained in the field of social work who can at the same time help with native children and families before the courts. I am afraid in Toronto that Millie Redman was called upon far too often than she should have been to come into the courts to help judges to understand the problems of the breakdown of a native family in a large urban environment.

Certainly, I have some reluctance to go as far as the member for Sudbury East would go in trying to make the Children's Aid first prove that they had given assistance. This might work in a smaller area; but I have to tell you Mr. Speaker, that, because of the lack of prevention, far too often there are emergencies at a particular point in time where there really isn't the ability to do much other than to take a child into care. Usually if that emergency is of that nature -- and I'm not just talking about child abuse -- then the Children's Aid Society, in effect, really is in the position of having to bring the circumstances to the court. Of course, at that point in time it is open to a judge to make an order pursuant to the provisions, which may indeed return the child to the home or may make other provisions.

In principle, I must say that I am pleased with the provisions for homemaker services to be brought in. I don't want to speak in any partisan way about it -- it is a step forward -- but I would like to be assured of just what kind of funding we're talking about, and what the limitations are really going to be as we work through regulations over which this assembly has no jurisdiction. The other area in which I commend the minister is the matter of removing the trial de novo procedure on appeal. Certainly, I'm sure that the judges of the family court would be most pleased with this provision, because they are the ones who really take the time in these cases, often talking to the children, trying to understand the situation. It was certainly frustrating when none of that transcript was available to the judge on appeal. It was, in effect, a rehearing, or a hearing by that judge anew, without the benefit of any of the experiences of the judges in the family division. I may be prejudiced, of course, but I happen to think that that particular court does take time and does have concern in these cases. So, on those two points, I certainly commend the minister.

But as part of the overall philosophy of the Act, one of the things that is interesting is that the minister must have known that there has been a great dichotomy in the courts across the province on what constitutes, for example, a place of safety. It seems to me that the judges ought to have some guidance from the legislation as to whether -- for example, there being no other place, suddenly, in the middle of the night, for a child -- a detention home is in fact a place of safety or whether it is to be regarded purely and simply as a holding place for children before the courts under the provisions of the juvenile delinquents legislation.

There is a case where I think this minister perhaps might like to hear from those functioning in this province in this area, so that that kind of concern may be considered.

I wonder what we mean when we say, under section 18(3), that a judge shall give reasonable notice before committing a child to the charge of the society. Before I want to see that provision I want to know what options are open, or what is the purpose of a notice. And where do we find some, provision, which would be an alternative, provision to a training school, for example, or to, one of the other facilities which would be somewhat of a holding facility?

It is great to say a judge will give notice, but very often a judge who feels that a child ought to be in the protective custody, if you like, of the children's aid society, whichever one it might be, is faced with the fact that there are no facilities for that child. This again, I have to say, is particularly true of the child who is before the courts as a juvenile delinquent and who is a female child. The facilities for looking after girls under these circumstances are limited, and there are many reasons for this, as I have said before. A boy before the courts quite often is before them for a joy-riding offence, a theft or something of that nature, but very often the girl is very self-damaged as a result of the offence which brings her before the courts.

I really don't know what we are talking about by notice in those circumstances. Perhaps, however, I have misread it; like the others, I have not had very much opportunity to check it. It is interesting, too, that we seem to be concerned about the quality of reporting. I must say I have some problems with it myself, because you do often get those who are inclined to report anything and for reasons which are not the most uplifting reasons. But if we are going to continue to have the provision in the Act -- is it section 41? I am sorry, I don't have the consolidation before me -- that requires reporting, then I would point out that there are still no teeth in it. Yet the minister has eliminated the section about children engaged in street trades for the obvious reason that it was unenforceable. I wonder what he is doing with this particular kind of thing.

Basically, Mr. Speaker, I think the Act, having been delayed this long, is brought forward much too hurriedly if we are concerned with the well-being of the child. It needs further work and further input from those who in fact are working with children in these areas.

It is almost amusing, I suppose, to see that the minister was going to be very sure in this Act that it be made clear that both parents have responsibility for the maintenance of the child. But the minister has still left section 37 alone, which gives to the father his supreme right of decision as to the religion of the child. This is the sort of thing that I wonder if the government really thinks through.

Many of these children are in the care of a mother who has been deserted. Many of them are children who have problems because of that desertion. I only mention it simply because, once

more, this government is so anxious to ensure that the Act spells out an equality of responsibility without equality of right or privilege.

Mr. Speaker, I am very sad to have to speak this way about this Act, which I had looked forward to with such anticipation. Is it before us because we are trying to give a goody to municipalities at this point in time? Surely, now is the time for this government to express itself on its position as to the status of a child in a community, such as ours, and what his or her basic rights are. And this has been left totally unsaid.

I can't emphasize too strongly my very real concern that those who know the business that this is -- and it's a business again under this Child Welfare Act -- that those who function in the field should have an opportunity, including parents who have been through the courts, to come before the committee and to express themselves as to their very real and, in some cases, very traumatic experiences. That is, if we really care.

Thank you, Mr. Speaker.

Mr. Speaker: The member for Windsor West.

Mr. Bounsall: Thank you, Mr. Speaker. Before I get into some of the detailed remarks I have on the bill, I would like to approach the minister head on -- no flattery involved at all -- about sending this bill to committee outside the House. I don't know whether the minister has ever sent one of his bills to committee outside the House but in my opinion, I think the minister himself would find that this is the only reasonable way for a matter like this to be handled. It's a procedure that the minister needn't fear at all.

The minister and his staff have valid reasons for putting the particular time sequences in the bill; they have valid reasons for making the changes that he's done. This is an opportunity for the committee and the public, in a way that you can't get inside the House, to become fully aware of the reasons for the changes and what is hoped for by the minister and his staff in the changes that are in the bill.

It's a really good way of having the public and those people most concerned with the administration of this Act, the various children's aid societies, to really be aware of what is on the minister's mind and the minds of the staff.

Secondly, I don't believe I have been in committee with any bill in which some good constructive changes have not occurred; ones with which the minister has agreed; ones that emerged which no one on the minister's staff had thought of prior to the printing of the bill. For that reason alone, even if only one change occurs, that is an improvement. By sending bill to committee, it is very much worth it.

For those reasons I would say to the minister, send it to committee and don't be concerned what will happen in committee. The minister hasn't taken a bill there, although before he became a minister he must have observed the procedure. After the first couple of days it becomes a fairly chummy, reflective type of practice in which all parties, including the minister, are interested in getting the best wording for a given section and the best solution to cover the problem. The bill may state it one way, but upon due reflection on the problem and what steps need to be taken to meet that problem it becomes clear to all concerned that another way of doing it or an additional phrase or two would fully cover the situation.

The minister can get this in no other way than by sending that bill to committee outside the House. When he does, he'll find that there will be some members of the community, many of them may be directors of the various children's aid societies, and some may well be presidents of foster parents' associations across the province or presidents of organizations bringing in foster children from outside the country, who may wish to speak to this bill and come and make a real valuable contribution to that discussion.

It is a type of discussion that I would very much like to see, one which would be of benefit to all the members of this House, and as a result be of benefit particularly to the children of the Province of Ontario who unfortunately require the protection of this particular Act. That's the group which we have to keep in mind. That's the group that we are serving here and we want them served in the best possible way. We should take in their interests any procedures that we can take at this time to see if the Act which covers them can be improved in any way.

I urge upon the minister not to be apprehensive about sending this outside. It will be an educational experience for us all, rather than one which the minister of the government should be apprehensive about. I urge him very much to send this bill outside the House. Although I'm not

on the particular committee to which this bill would go, I would be in full-time attendance because I have an interest in this area.

Speaking quite briefly -- and I will speak briefly at this point to the bill in the hope that the minister will send it outside the House to committee -- I congratulate him on the provision of homemakers to be placed upon the premises. I too wonder, as the member for St. George does, about the funding for this. This could be more costly than any other sort of service we've provided?

If the minister is thinking of a staff member of the Children's Aid Society or some other resource person from the community moving into a home and living there for four or five days until the parent or parents return and sorting out whether that situation could continue or whether the children should be moved, then he is talking about not a small expense.

I can see where this provision of a homemaker is exceedingly applicable. I know a situation could arise of children coming into care, where one finds that three or four or five children have been deserted. A crucial situation arises. It comes to the attention of the society. They go in and determine this to be the case. They are stuck with four or five children on their hands immediately and the problem is right there.

Where do they place them? They are various ages and they inevitably get placed in more than one location. There are very few group homes that can take five children in one fell swoop or any short-term foster homes in which five children of various ages can be placed. What you have is two children in one place, two children in another place and a third child in yet a third place until one determines just the extent of the protection needed. If it's a case of desertion, this usually means inevitably Crown wardship and trying to find adoptive homes for them.

Because these are emergency foster placements the children may be there only a few days or weeks before one finds a slightly more permanent foster place, all the while leading up to some adoptive home if Crown wardship is awarded.

Placing a homemaker in that home for those days which it takes to determine whether or not one should seriously consider taking them into care with Crown wardship in mind as the final stage keeps the kids together anyway. It prevents them from being split up and being in the emergency

foster placement situation, in yet one more place, before they get into the long-term foster placement leading to adoption.

I agree very much with the provision of these homemakers. At least, in the initial instance when protection is required, it prevents the splitting up of the children and makes for one less move, all of which is very unsettling for a child, irrespective of the age of that child.

It is well known that babies and very young children are very upset by any change of locale and there are very few 13, 14 or 15-year-olds as well who aren't upset, uncertain and pretty uptight about being moved to a different locale, be it a group home or a very supportive foster home.

The whole thought of the move and trying to settle in and find their niche in whatever environment they are in is pretty unsettling and that is pretty well known. I see the provision of the homemaker as a step forward in that the children will not be split up in the initial instance and we save one more foster home placement. For that I give the minister full credit. I hope we fund this programme enough so that kind of homemaker service can be provided quite often in our communities.

Various other sections of the Act, Mr. Speaker, leave me disappointed. I agree with the member for Sudbury East and his comments about needing support for the natural parents -- and the lack of it which really exists -- and the complications this gives rise to.

I won't mention the name of the person involved but I remember one case in which the mother deserted. The father found himself with a 10-month-old girl on his hands and he was in a job location that was sort of half-work; he was half-working at the time. He needed to be present at various job sites in order to secure himself a position, even the half-time positions he was getting, and he had no way in which he could take care of the 10-month-old child.

In all honesty and trust he brought his 10-month-old daughter to the Children's Aid Society because he felt they would help him in this circumstance. To make a long story very short, in spite of his being able, at one point, to provide himself with a housekeeper -- who turned out to be a woman older than himself a fair degree, who needed a place to live for her 12-year-old child and herself -- the Children's Aid, in their wisdom or lack of it, said this was not a good relationship and refused to accept that type of situation. He lost that child.

The Children's Aid Society won the Crown wardship case on that child, but she was three years old when they won it. They lost it in the first instance. The Children's Aid won it on appeal. A judgement was involved, on their part, that the provisions he had made were not somehow acceptable. They made a judgement that he might at some time -- as if it was any of their business -- get involved emotionally with this housekeeper whom he brought in, even though she was older than he and it's none of their darned business. He was, in fact, providing a home for his own child but the Children's Aid decided this provision of a home was not appropriate. If there had been some alternative support given to the natural parents, this man might have taken his 10-month old daughter, rather than the Children's Aid, running the risk of the Crown wardship occurring and the Children's Aid Society permanently receiving his daughter. If there had been some other supportive agency in the community to which he could have gone for help he wouldn't have risked the permanent loss of his daughter. There is nothing in this Act that gives an alternative placement position to the natural parent, and this is very much lacking. My colleague from Sudbury East mentioned there should be a province-wide committee to which various people connected with the Children's Aid Society could appeal on the placement of children. I would second those thoughts that there should probably be a province-wide committee to avoid going through the courts and all the expense of the courts, both on the part of the Children's Aid Society with their virtually full-time court worker on staff or the expenses for the person or the province through Legal Aid's provision of legal staff. It should be a committee to which decisions go so that Crown wardship could be reviewed and the yes or no decision rendered in a fairly reasonable fashion. I think it would have helped in the case of this particular man and his 10-month-old daughter, who was three years old before he finally lost her. It could have spoken and could have indicated which way it would have moved.

I think the decision in this particular case of this man, calling for provision or an alternate home for his own child was wrong. If that province-wide appeal committee agreed, then it's tantamount to saying to the Children's Aid Society: "Look, proceed with the court case at your own peril. There has been one group spoken to it."

This would be a committee to which a natural parent, as this man was, could appeal for a ruling on that judgement decision as to whether or not he was providing a good alternative home environment for his child; and foster parents could apply if they felt in their dealings with the local agency there was a decision being made relative to how much longer they could keep the child or whether they were providing good foster parenting or whether they were eligible for more children in the circumstances. There they could have their particular case circumstances heard, free from the judgement decisions of the one worker and the one supervisor, which is usually what it boils down to in matters of this sort. Another group of people having province-wide experience in these cases could look at it and say: "Look, we don't agree with the judgement."

They would hear both sides but a group of persons not closely involved, could make a decision on that particular problem involving the foster parents or the foster child; or even adoptive parents could bring some problem which had arisen vis-à-vis the agency before the adoption became final. It would simply be a committee, preferably province-wide, where appeals and adjudication of problem areas could be held. I think this should be very worthwhile. It needn't be a big body, and it mightn't be that busy. The very fact of its existence in the area of relations with foster parents, adoptive parents and natural parents would be progress. The actions of the Children's Aid Society could be thrashed out and justice and judgement decisions given by parties which are not so intimately involved emotionally with the problem.

The remarks, Mr. Speaker, that I have made so far would imply that perhaps I'm not too happy with some of the decisions which Children's Aid Societies have made. In a couple of the instances I have in mind, that is true; but by no means do I want to leave the impression they are not a hard-working agency, that they don't in most instances make the right decisions and that they are not very helpful in support of the children. They are; but inevitably when one is dealing with children, sometimes very strongly-felt emotions are involved, and situations arise which a committee of this sort can straighten out. In an emotional situation one doesn't always get the right decisions. Sometimes situations harden. Positions get taken and positions harden.

A province-wide committee to which disputes of this kind can be taken, I think would be a very helpful body. I don't mean to imply at all that the Children's Aid Society is very often in the wrong and that it doesn't on the main do good work most of the time. But one inevitably will run into cases in which there is a lot of emotion involved. Under emotional stress, the wrong decisions can sometimes be made by a society which has a lot of the power behind it. There should be a way in which, easily and without much cost to the system of Ontario, these situations can be taken into account.

One other area I would have hoped would have come into the Act is the area of subsidized adoption. This is as equally important as support to parents. I know again of one instance where a family was given, I believe two foster children, if I recall. At the time, they said: "We cannot afford to adopt." Although I can't remember the details for sure, I think the worker in this case was urging them to adopt and let the two particular children go into this foster home with the hope that, after they had been there for a while, the parents would get so emotionally involved with the children that when they announced that they were going to be eligible for adoption elsewhere the foster parents wouldn't want to see them go and would be forced into adopting them.

This is a hell of a way to operate in any event -- a sort of blackmail of the foster parents into adopting the foster children which they had in their home. That situation should never have arisen. It should have clearly put children in there on a short-term basis, understanding that that home could never be forced into an adoptive situation. If you like, Mr. Speaker, that's a mistake in the way in which the worker operated in that particular placement. It arose again after the children had been there a couple of years. It was a case of: "We know you love the children very much and they are very settled here and getting along very well but we can no longer let this foster child arrangement pertain. You must adopt or out the children go."

The family came to me. They laid out their budget to me. They showed to me -- they had two children of their own -- that they could not afford to provide wholly for four children. They laid out to me their likely financial situation over the course of the next two years. At this point, they could predict that in two years time they would well be able to adopt, but at the moment they

could not afford to do so. They didn't need all of the funding which they were getting as foster parents. What seemed very clear to me would be to have an arrangement evolve in which they adopted the children now, which they would like to do, except they couldn't afford to, and over the period of the next two years have a subsidy on that adoption. It worked out, looking at their budgets, that the persons could agree with me that if they got about one-third the current foster rate, they could get along on that. By the time two years had gone by the contracts which the union was providing and furnishing in the past at the place at which the man worked would allow them to have caught up to the point where they could afford it. But there they were. Subsidized adoptions are not allowed to take place except under very very special circumstances. The agency was rather loath to try it. They were rather loath to ask the ministry down here or even to ask a question about whether it could be countenanced in that particular case. There the situation rested. They adopt now or they give the children up now and financially they simply couldn't afford to. And yet they didn't need two-thirds of the money which the Children's Aid was providing to keep them as foster parents. About one-third of it would have been enough but the system did not easily allow for that one-third rate to come forward for a couple of years, particularly if those children were adopted on the spot which would have been the best solution for all concerned.

I don't know how we would word it to prevent every foster child in the country from being on subsidized adoption but I'm sure we could devise a way and build more clearly into this Act subsidized adoption as a recognized way of dealing with the situation. As I say, there are various ways of subsidizing other than by direct money payments. Subsidized adoption really would come under the category I've already spoken of -- that in terms of keeping families together support should be given to the natural parents. I would expect the amount of support needed to subsidize an adoption to be not very much different from the type of support and the amount of support needed by some families to keep those families together with their natural parents.

The last area I'd like to speak on -- and I can well understand the minister's reluctance to get into this area -- is the information available to adopted children when they become adult. We can all

have our own views on this. I can see this not being a matter of party policy whatsoever but one of personal belief and personal policy; not party policy.

It is whether or not a child who has been adopted, even at birth, should, at the time of becoming an adult, have available to it the total information concerning its birth and the circumstances surrounding it. I feel that upon becoming adult, adopted children should have that right.

We live in an age in which, when March 17 comes around, everybody's Irish and all the Irish have a great celebration. Some people in this province who are adopted and don't know who their natural parents are because they were adopted at birth might like to know whether one of their two parents was Irish. Do they have an Irish background or tradition? Then they could feel, when everyone else is celebrating on March 17, that they're part of the whole thing, too, even though their adoptive parents aren't, for example. Some very basic, life-enjoying points like that would be very useful for the child to know.

It is more basic than that. I don't feel we have a right to deny an adopted child information concerning his or her origins. I think they have a right to know it. There's a bit of concern in this area and some of it is justified. Any child who's adopted has been told by the parents who adopted him that he is adopted, so there's very little problem in that area. The child is told at some point that he is a child who has been picked out from all the rest available; that the two parents particularly wanted him and there he is happily living with the family.

No matter if he finds out his origins, that child is always, well on into his adulthood, going to look at his adoptive parents as his parents; there's no question about that. One can't live most of one's childhood with people one has called mom and dad and not feel that to be the circumstances. It's been covered, anyway. There's no threat to the relationship between the child and the adoptive parents by that child -- now an adult -- knowing what his origins were.

There is a problem, perhaps, in an adult turning up on the doorstep of someone 20 or 30 years older than he and saying, "Hi, Mom." But I think if this society is going to be worth anything in terms of explaining to people how one should behave, what's the best way to behave, what is psychologically right and wrong, at the time that information is requested and given, the entire area can be covered with the adopted child by a competent worker in a Children's Aid Society.

They can cover the disadvantages of doing that, should the reason for doing it be to turn up and meet the natural parent at some point, and how it should be handled.

There may well be a letter or a phone call, saying, "The child you gave for adoption some 20 or 25 years ago is now requesting your identity. We don't have the right to withhold that; therefore, some time over the next two or three months we are going to tell him who his parents are.

Therefore, there may well be some contact in the future. As well, they would state what they were going to tell that person, what they were going to advise him to do and how to behave under those circumstances so that person wouldn't be turning up on the doorstep and perhaps causing a problem in terms of the changed family circumstances in which the mother or father, or both, are now immersed, But that can be handled in a way that minimizes any of those problems and fears that someone might have about passing on that information.

I feel it is a very basic right of any person, having been adopted, to know his or her origins. That should be in this amendment Act and in any Act which in this day and age changes the Child Welfare Act. Thank you.

Mr. Speaker: The member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Mr. Speaker, I don't intend to be lengthy in talking on Bill 4, but I would like to recommend strongly to the minister that he attempt to keep our parliamentary system viable and that he likewise keep our committee system operative. By not referring this bill to the social development committee he is doing an injustice to everyone in this House. I hope he doesn't have intentions of not doing that.

We had extremely good experience last year, Mr. Speaker, when the education bill, Bill 72, was referred to the social development committee. We had input from all sides of the House and from all types of organizations; as a result, the Education Act was substantially improved. When the social development committee had the Health Disciplines Act, likewise there was substantial and constructive input from all of the disciplines.

I strongly suggest to the minister that he has an obligation and a duty to maintain the committee system and to have this bill referred to the committee so we can get input from anyone who wishes to provide input to improve the legislation.

You will note, Mr. Speaker, that the private bills committee does sit. We don't have those private bills right in the House for consideration in the committee of the whole; they are always referred to a private bills committee so that we can get input from others, rather than simply the member who may be introducing the bill, even though he may be extremely knowledgeable concerning the bill.

This bill being so important and so vital in terms of dealing with child welfare, I think there is an obligation on the part of the minister to see that it be referred to the private bills committee.

That is the extent of my comments, Mr. Speaker. I hope that the minister will take heed of the various other comments of the members here and send this bill to the social development committee so that we can get full discussion on every section of the bill. Let me tell you, Mr. Speaker, that the suggestions will all be constructive; they will be for the betterment of the children of the province. Thank you, Mr. Speaker.

Mr. Speaker: Are there any other hon. members who wish to speak to this bill? If not, the hon. minister.

Mr. Stokes: Just say yes.

Mr. J. F. Foulds (Port Arthur): On a point of privilege --

Hon. Mr. Brunelle: Mr. Speaker, I listened with a great deal of interest to the various comments --

Mr. Foulds: Surely the minister --

Mr. Speaker: Order please.

Hon. Mr. Brunelle: Oh, I am sorry.

Mr. Foulds: On a point of privilege, surely the minister, as a member and as a minister, is entitled to more than four supporters from his caucus to hear his important rebuttal in this debate.

Mr. Speaker: That is not really a point of privilege. Will the minister carry on with his reply?

Mr. Stokes: If it weren't for the people on this side, we wouldn't have a quorum.

Mr. Speaker: The hon. minister.

Mr. Foulds: A fox among the hens there, eh?

Hon. Mr. Brunelle: Mr. Speaker, I listened with a great deal of interest to the various comments by the members on this very important piece of legislation.

I would say first, Mr. Speaker, that the Child Welfare Act -- and I am told this by knowledgeable people -- is one of the best Acts on the North American continent as far as services to children are concerned --

Mr. B. Newman: Then it won't have any problem in the bills committee.

Mr. R. S. Smith: It's not the best in the world?

Mr. Martel: That doesn't mean to say the others are very good though. They could be lousy.

Mr. Speaker: Order, please.

Hon. Mr. Brunelle: As I indicated, however, there is room for improvement, and this is why we are proposing these various amendments.

An hon. member: There's still room for more.

Hon. Mr. Brunelle: As I mentioned in my opening remarks, Mr. Speaker, these changes have been asked by members in this House, by judges, by the children's aid societies, by various representatives -- and these are intra-measures.

As the hon. members know, we are implementing some of the recommendations of the report on family law from the Ontario Law Reform Commission. There are many recommendations that require further study. Some of them are being reviewed by the Ministry of the Attorney General at present and will be implemented. So this amendment, Mr. Speaker, is strictly an intra-measure --

Mr. B. Newman: It's not good enough.

Hon. Mr. Brunelle: -- to provide improvements where it is felt they should be made at this time. I think, listening to the various members, a great majority agree with many of the things that we are doing. We're providing homemaker services, non-ward agreements and so forth. Those are two of the main things.

Mr. Martel: That's the only thing that they are doing.

Hon. Mr. Brunelle: There is also the one about the funding. I think the hon. members realize this is an area where many of the municipalities have made representations to us as well as

several of the children's aid societies. Our formula, which was established about seven years ago, is working inversely due to changes in the social trends. In other words, the municipalities are paying a higher proportion of costs for children's services than the Ontario government.

Mr. R. S. Smith: What about regional governments? What do they pay?

Hon. Mr. Brunelle: This is also beneficial to regional governments.

Mr. Speaker, the member for Nipissing started off by saying "on very short notice." As the hon. member knows, this has been on the order paper now for over a week. I do not believe this is really valid criticism that not sufficient notice was given.

Mr. R. S. Smith: On a point of order, Mr. Speaker, I was not criticizing the minister or the bill itself. I was criticizing the House leader who implied to us last Wednesday, on a list provided to our House leader, that it was not one of the bills that would be called before Easter.

Hon. E. A. Winkler (Chairman, Management Board of Cabinet): Mr. Speaker, I take exception to that, because I knew very well that the minister wanted the bill through before the end of the month. And I said so to both parties. So don't come in here with that kind of allegation.

Mr. R. S. Smith: It was not on the list. There were two bills provided on the list by the House leader, and this was neither of them. The NDP critic will tell the minister the same thing.

Hon. Mr. Winkler: In the question of timing, I won't put my finger on what day it was, but the member can be sure that he was notified; and don't let him tell me he wasn't.

Mrs. Campbell: On Friday.

Interjections by hon. members.

Mr. Speaker: Order, please.

Mr. Martel: Mr. Speaker, of course we found out yesterday that the bill was going to be debated today, but we're supposed to get that on Thursdays, according to the regulations.

Mr. Speaker: Order, please.

Mr. Martel: We're supposed to get it on Thursdays.

Mr. Speaker: The hon. minister will please carry on.

Hon. Mr. Brunelle: I will try and not be too provocative. The hon. member referred to the definition of director. Mr. Speaker, the definition of director conforms to our existing legislation. This is consistent with our existing legislation and it's consistent with our policy of decentralization; so the minister has the authority to appoint a director. It doesn't specifically have to be the director of the children's services bureau.

The hon. member referred to the funding formula. I sincerely say, Mr. Speaker, that by changing the formula to the regulations, it certainly makes it much more flexible than having it in the Act. The procedures of amending an Act are complex, so it's much faster and more flexible to have the funding formula in the regulations.

Mr. Martel: Now it's based on trust. At least I would know if it's in the Act. I never know what the government is pulling.

Mr. R. S. Smith: How do we know it is 50-50 when it comes into the regulations?

Hon. Mr. Brunelle: I stated it publicly, Mr. Speaker, that the formula was being increased from 60 per cent to 80 per cent.

Mrs. Campbell: What about those who get 100 per cent?

Mr. Speaker: Order, please. Everyone has had an opportunity to speak. Will the minister continue his reply?

Hon. Mr. Brunelle: Thank you, Mr. Speaker. The hon. member also referred to the responsibility of regional governments and this is covered in the respective regional Acts. The hon. member referred to disturbed children and the treatment of these children in their own homes, and said that they should be provided with facilities, psychiatric care and so forth. We agree entirely that more of this should be done and more will be done.

Although it's not mentioned in the Act, the Children's Aid Society does have authority to purchase these services at the present time and it is doing this.

The hon. member for Sudbury East referred to a very important area, and we agree, the area of prevention. The hon. member knows that the Hanson task force referred to this considerably -- more services to families, more daycare services, more homemaker services, vocational training and so forth.

I'd like to mention, Mr. Speaker, with reference to the Hanson task force report, that there is a working committee presently sitting. They had a meeting today, and they met about a month ago. This is a committee comprised of representatives of the children's aid societies, the provincial-municipal liaison committee and our senior staff and its purpose is to implement the recommendations of that task force. The whole emphasis is on prevention and on keeping families together, keeping the children in their own homes. This is the whole emphasis, this is the direction in which we are moving, and we've made some concrete, positive steps in that area.

Mr. Martel: Not very many. All they have done is introduced a homemaker.

Hon. Mr. Brunelle: Maybe not as many as we would all like, but we have to be guided by our financial resources as well as our human resources.

Mr. Martel: It would be cheaper.

Hon. Mr. Brunelle: In the long run, we agree. The same applies, of course, in the health area and it applies everywhere; preventive services.

The hon. member referred to accountability. The director is accountable to the minister, so there is definitely an accountability policy.

Mr. Roy: We are not talking about the same thing there.

Hon. Mr. Brunelle: He referred to insufficient assistance to natural parents, and that higher allowances should be given to the natural parents as we are now giving them to foster parents. I do not believe that we should be giving the same allowances to natural parents as we are giving to foster parents. The cost would be extremely high.

Mr. Mattel: Nobody said the same. Let's not run a red herring across the stage. Nobody said the same.

Mr. Speaker: Order please.

Hon. Mr. Brunelle: The hon. member said we are spending much more money in placing children in institutions and that, therefore, it would be best for the children and best for everyone concerned if they were kept in their own homes or in group homes; and with this we agree.

Mr. Martel: But they are not doing anything.

Hon. Mr. Brunelle: Yes we are. We are definitely doing this in this area.

Mr. Martel: This Act sure doesn't do it.

Hon. Mr. Brunelle: The member referred to foster parents. May I remind him that section 18, subsection 2, provides for regular visits to a foster home by a social worker from the Children's Aid Society. It says in the regulation that there must be a visit within the first seven days; and secondly, that there must be at least one other visit within 30 days from the first visit, and then subsequently there should be a visit every three months. This is in the regulations.

Mr. Martel: Yes, sure; they run in and out.

Mrs. Campbell: It is not adequate.

Mr. Martel: Take a look at the caseloads.

Hon. Mr. Brunelle: The hon. member referred again to --

Mr. Martel: They might have to spend a week right in the house, not two hours.

Mr. Speaker: Order please.

Hon. Mr. Brunelle: He referred to keeping the children with their natural parents. Again, we agree entirely with those views. This is the area we are trying to improve, to keep the children with their natural parents.

Mr. Martel: They aren't doing a thing about it.

Hon. Mr. Brunelle: We are. In the last year we have increased our budget substantially for homemaker services, we have implemented a special programme for daycare services and this whole area of services to families has been greatly increased.

Mr. Martel: How can the minister confuse them?

Hon. Mr. Brunelle: I'd like to mention also that the Children's Aid Society removes children from their natural parents only as a last resort --

Mr. Martel: The policy minister wants to help the minister. Let her get into the act. That will really muddy the water.

Hon. Mr. Brunelle: -- only when it is felt that the children are in need of protection. The hon. member referred to grievance procedures. There is an appeal to the courts; it's available now to natural parents when the child is removed from them.

Mr. Martel: Nobody is talking about when the child is removed from the parents.

Hon. Mr. Brunelle: The member referred to the Child Welfare Act. He doesn't like the name. Again, we're open for suggestions but at the same time I think the connotation of welfare doesn't necessarily denote social assistance. Welfare can denote assistance in a variety of ways.

Mr. Martel: But it does.

Hon. Mr. Brunelle: Again, we have an open mind on this. The hon. member and several other members mentioned that this bill should go to the standing committee instead of the committee of the whole House.

Mr. Martel: That's right.

Hon. Mr. Brunelle: I am reluctant to do this for various reasons, Mr. Speaker. One is that the standing committees have not yet been appointed to my knowledge.

Mr. Martel: Sure they have been appointed.

Hon. Mr. Brunelle: If they have been appointed, they will not be in operation until after --

Mr. I. Deans (Wentworth): They can sit tomorrow.

Mr. Stokes: Later tonight, if the minister wants.

Mr. Deans: They can sit tomorrow.

Interjections by hon. members.

Hon. Mr. Brunelle: Otherwise, if it goes until after the budget and the budget is on April 7, this is quite a delay. It means we will get considerable criticism from the municipalities which were looking forward to the implementation of this Act in order that they can receive the increased funding under the revised formula.

Hon. Mr. Winkler: Let the opposition members accept their responsibilities.

Mr. Martel: Mr. Speaker, it can be backdated as the government has done with the Election Act. It back-dated a certain portion of it to take effect as of Feb. 13, so the minister shouldn't play games.

Hon. Mr. Brunelle: Also, Mr. Speaker, this was mentioned by other members and as I mentioned earlier, these are interim measures --

Mr. Martel: Let's deal with them now.

Hon. Mr. Brunelle: We agreed that more should be done to reinforce and strengthen this Act and that is why the working committee I outlined a little while ago is presently making recommendations to us. Again there is the Ontario Law Reform Commission. The federal Juvenile Delinquency Act is also another Act by the federal government which certainly has relevance to various matters relating to Children's Act services.

Mr. Martel: What is the minister so horrified about? Why doesn't he allow the public to have an input for a change?

Hon. Mr. Brunelle: The hon. member for St. George, Mr. Speaker, also made some very constructive comments. She supported the more preventive services to families. She referred to homemakers' services. She was in agreement with the provision in the amendment to the Act. Then she inquired about the funding, what funding would be available.

Mr. Speaker, there is funding available under the existing budget and there could be a saving because I think providing a homemaker in the home is usually for a short period. If it's for more than five days we need an order from a judge, but on the average it could be, maybe, for two or three weeks or a month at the most. Once the children are removed from the home as they are now and placed either in a foster home or wherever the case may be it's much lengthier and therefore much costlier. We do believe the children's aid societies will have adequate funds to look after homemakers' services.

She referred to facilities for delinquent children and said they are presently not sufficiently available. We agree that the children, instead of being placed in institutions, should be placed in group homes or other types of homes within their own communities. We entirely agree and steps are being taken to bring this about.

Mrs. Campbell: The government doesn't have them.

Hon. Mr. Brunelle: She also referred to the reasonable notice to a society under section 26 subsection (3) -- section 18 in the new bill -- and it's to give the society an opportunity to appear before a court before disposition of a case. Society representatives can then inform the court of available facilities.

Mr. P. Taylor: Does the minister remember what he said?

Hon. Mr. Brunelle: The hon. member for Windsor West approved of the homemakers' services to the families. He referred to an appeal committee of interested citizens whereby grievances and disputes could be brought to them; I think there is considerable merit in that suggestion. I think it is one that I and the officials will consider. I also will refer this to the working committee comprising the one I just referred to, the municipal liaison committee, the Children's Aid, and our senior staff.

He also felt it was a basic right that adopted children, once they became adults should --

Mr. Martel: Changing coats again?

Hon. Mr. Brunelle: -- be told, or should be able to have the information on their natural parents. I think, Mr. Speaker, that this is a very difficult question. I am sure there are many views on this, or different schools of thought. I have read considerable information about the subject matter. It is one, I believe, on which we would have to have input from the children's aid societies, from the Ministry of the Attorney General and others.

There are very good reasons why this should be done, I believe; at the same time, there are probably very good reasons why it should not be done. I think in all these matters we should consider what is best for the child -- what is in the child's interest. However, Mr. Speaker, it is the one matter I will be pleased to give further consideration to, because it is very complex matter.

Mr. Speaker, again I wish to thank the hon. members for their various comments. I do feel, as I said, that this is strictly an interim bill. The main provisions are the increase in funding and the provision of homemaker services. There is also the provision about the non-ward grievance and also the various recommendations for clarification procedures requested by provincial judges and by the Children's Aid Society. Now, I would hope, Mr. Speaker, that this bill could go to the committee of the whole House.

Mr. Speaker: The motion is for --

Mr. Martel: Could I ask the minister, Mr. Speaker, why he will not send it to a committee? He's given three reasons and he's bombed on all three as to why he didn't want it to go to a committee of the House. He first said it was because the committees weren't as yet fixed.

Mr. R. G. Hodgson (Victoria-Haliburton): This is out of order, Mr. Speaker.

Mr. Speaker: Order, please.

Mr. Martel: I asked if I could ask the --

Mr. Speaker: If you wish to ask for clarification, it must not have been asked before and answered. But I distinctly heard that matter discussed.

Mr. Martel: But, Mr. Speaker --

Mr. Speaker: The motion is for second reading of Bill 4.

Shall the motion carry?

Some hon. members: No.

Mr. Speaker: Those in favour of bill 4 being read a second time will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Call in the members.

Mr. Speaker: It has been agreed to dispense with the recorded vote on second reading of this bill. Is there unanimous agreement?

Motion agreed to, second reading of the bill.

Mr. Speaker: Shall this bill be ordered for third reading?

Hon. Mr. Brunelle: Mr. Speaker, in a spirit of co-operation, I move that this be sent to the standing committee tomorrow morning.

It being 6 o'clock, p.m., the House took recess.